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COPY

STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT COURT

PATRICIA D. GARDNER
JUDGE

SUITE 9500 D
180 OTTAWA AVENUE NW
GRAND RAPIDS, MICHIGAN 49503-2751

December 17, 2003

Atty James S. Brady
Miller, Johnson, Snell & Cummiskey, PLC
Calder Plaza Building
250 Monroe Avenue, N.W., Suite 800
P.O. Box 306
Grand Rapids, MI 49501-0306

Re: Ryans v McGinn-Loomis and Benedict
U.S. District Court Case No. 1:03-CV-0439

Dear Mr. Brady:

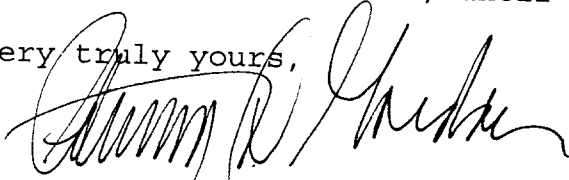
I have received and reviewed your letter dated December 8, 2003, requesting potential dates for my deposition in the above federal action, prior to February 1, 2004.

Please be advised that the Michigan Code of Judicial Conduct prohibits your request. Canon 3(6) states in part:

"(6) A judge should abstain from public comment about a pending or impending proceeding in any court, and should require a similar abstention on the part of court personnel subject to the judge's direction and control."

The state court action of Ryan v Ryan, File No. 01-09528-DZ is currently pending with the Michigan Court of Appeals. It is therefore inappropriate to speak about the case, at deposition or otherwise, until the matter has concluded.

Very truly yours,



Patricia D. Gardner
Judge of Probate